

ENTERED

October 26, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

REGINALD MANUEL,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:15-CV-447

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court is Respondent Stephens's Motion for Summary Judgment (D.E. 10). On June 10, 2016, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation (D.E. 16), recommending that Respondent's motion be granted, that Petitioner's application for habeas corpus relief be dismissed, and that a Certificate of Appealability be denied.

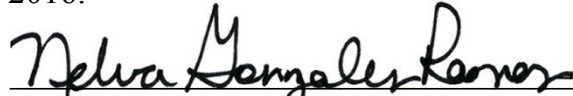
This recommendation is based on a holding that Petitioner does not have a liberty interest to support his challenge to his disciplinary conviction. Under Texas law, Petitioner is not entitled to mandatory release, meaning that his loss of good time credits does not infringe a liberty interest. The other punishments assessed in the disciplinary conviction are privileges that do not trigger a constitutional right. These are well-established principles in the law.

Petitioner timely filed his objections (D.E. 17) on June 23, 2016. Petitioner fails to articulate any alleged error in the Magistrate Judge's findings of fact or conclusions of law. Instead, he disagrees with the result and suggests in global terms that the issues are

debatable and that a Certificate of Appealability should issue. The Court disagrees.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Petitioner's objections, and all other relevant documents in the record, and having made a de novo disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Respondent's Motion for Summary Judgment (D.E. 10) is **GRANTED** and this application for habeas corpus relief is **DISMISSED WITH PREJUDICE**. The Court **DENIES** Petitioner a Certificate of Appealability.

ORDERED this 26th day of October, 2016.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE